**Comments Regarding the Adoption of DFG Option: §923.7(m)(1-5)**
**a.k.a. Issue 29**

**Maggie Robinson and Dave Fowler**
**North Coast Regional Quality Control Board**

**September 13, 2011**

Regional Water Board staff have reviewed the proposed DFG Option: §923.7(m)(1-5) (a.k.a. Issue 29 – Road Maintenance in ASP Watersheds) and support the proposed language changes for the following reasons:

**Subsection 1**: Hydrologically connected inboard ditches provide a direct route for road fines to enter watercourses. Grading functioning vegetated, or otherwise stable, ditches results in exposed soils/fines that may be transported to waters of the state, particularly from those ditch segments located between a watercourse and the first drainage facility. Staff believe that limiting grading to only when ditches are blocked or lack adequate hydraulic capacity, or where driver safety is a concern, and avoiding blading the hydrologically connected segment of inside ditch between a watercourse and the first drainage facility, is reasonable and protective of water quality.

**Subsection 3**: Given the variability between hydrologic years, a maintenance period of three years will provide greater opportunity to evaluate the effectiveness of erosion control measures, give time to implement any fixes or modifications if necessary, and to ensure that those modifications are effective in preventing discharges and protecting water quality.

**Subsection 4**: Please refer to Attachment A for the following discussion.

Water Board staff believe that required inspections prior to the wet weather period, and during the wet weather period will ensure that plans have adequate erosion control measures in place. The argument has been raised that the three regions (North Coast, San Francisco Bay, Central Coast) with ASP watershed within them have very different requirements for timber harvest activities and that adding a rule section that includes inspections will be burdensome and in conflict with Water Board regulations. We disagree.

Of the three regions, the North Coast and Central Coast regions have adopted either GWDRs or Waiver to regulate nonpoint source discharges from timber activities. The San Francisco Bay region has no regulatory mechanism in place.

Attachment A highlights the requirements of the North Coast GWDRs and Waiver, as well as the Central Coast Waiver. These requirements have been tailored to best fit the unique characteristics with the region they apply to.

The proposed language in DFG Option: §923.7(m)(4)(A) allows for the requirements of the Regional Water Boards to be used to satisfy the requirements proposed in this subsection. For the San Francisco Bay region, where there is no mechanism in place, this language provides for the inspection and maintenance of logging roads within that region.

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| Regional Water Quality Control Board | No. of Inspections Required | Active Ops | | | Yr 2 & 3 After Ops | | Yr 4 & 5 After Ops | |
|---|---|---|---|---|---|---|---|---|
| | | 1st Inspection | 2nd Inspection | 3rd Inspection | Dry Season | Wet Season | Dry Season | Wet Season |
| Region 1, North Coast - GWDR | 3X during ops & until unenrollment | by Nov 15 or cessation of winter ops | after 10" cummulative rainfall between Nov 15 & April 1 | after Apr 1 before Jun 15 | | | | |
| Region 1, North Coast - WAIVER | 2X during ops & until unenrollment | by Nov 15 | after Apr 1 before Jun 15 | | | | | |
| Region 2, San Francisco Bay - NONE | | | | | | | | |
| Region 3, Central Coast - WAIVER | 3X during ops & for 1 yr after ops, 2X for yr 2 & 3 after ops, 1X for yr 4 & 5 after ops | before Oct 15 w/in 48 hrs of storm producing 3" rainfall | after Oct 15 w/in 72 hrs of storm producing 3" rainfall or 4" cumulative rainfall | w/in 72 hrs after storm producing 3" rainfall | between Apr 15 and Oct 14 | w/in 72 hrs after storm producing 3" rainfall | between Apr 15 and Oct 14 | w/in 72 hrs after storm producing 4" rainfall if no storm event, then no inspection |

**Attachment A**